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Appellate and Constitutional Law Update

February 20, 2026

Supreme Court Invalidates President Trump's Tariffs

Learning Resources, Inc. v. Trump, No. 24-1287

Trump v. V.O.S. Selections, No. 25-250 – Decided February 20, 2026

Today, the Supreme Court held 6-3 that the International Emergency Economic Powers Act does not grant the President the power to impose tariffs.

“Based on two words separated by 16 others in Section 1702(a)(1)(B) of IEEPA—‘regulate’ and ‘importation’—the President asserts the independent power to impose tariffs on imports from any country, of any product, at any rate, for any amount of time. Those words cannot bear such weight.”

CHIEF JUSTICE ROBERTS, WRITING FOR THE COURT

Background:

The International Emergency Economic Powers Act (IEEPA) grants the President the power, upon declaring a national emergency, to “regulate . . . importation or exportation of . . . any property in which any foreign country or a national thereof has any interest.” 50 U.S.C. § 1702(a)(1)(B). From February to April 2025, President Trump invoked IEEPA and issued five executive orders imposing tariffs of up to 125% based on declared emergencies of fentanyl trafficking and trade imbalances. In subsequent months, the President amended and altered those tariffs.

Some plaintiffs challenged the tariffs in the U.S. District Court for the District of Columbia, while others challenged the tariffs in the U.S. Court of International Trade. Both courts ruled against President Trump’s tariffs. The District Court granted plaintiffs’ motion for a preliminary injunction on the grounds that IEEPA does not grant the President the authority to impose any tariffs. Before the D.C. Circuit ruled on the appeal of the preliminary injunction, the Supreme Court granted certiorari before judgment. The Court of International Trade granted summary judgment to plaintiffs, holding that IEEPA does not authorize tariffs based on trade imbalances because they are governed by a different statute. On appeal, the en banc U.S. Court of Appeals for the Federal Circuit affirmed 7-4, holding that, while IEEPA may authorize some tariffs, it does not authorize tariffs as broad or large as the challenged tariffs.

Issue:

Are President Trump’s emergency tariffs authorized by IEEPA? If so, does IEEPA unconstitutionally delegate legislative authority to the President?

Court’s Holding:

No. IEEPA does not grant the President any authority to impose tariffs.

What It Means:

- Today’s decision confirms that President Trump’s emergency tariffs are not authorized by IEEPA—and that no president can impose tariffs under IEEPA. The Court concluded that IEEPA’s language authorizing the President to “regulate . . . importation or exportation” during emergencies does not grant the President the power to impose tariffs or other taxes. The Court also noted that, when Congress has granted the power to impose tariffs in other statutes, it has done so expressly.
- The Court held that the Court of International Trade has exclusive jurisdiction over challenges to the tariffs. Importers have already filed nearly 2,000 lawsuits seeking refunds in that court. As Justice Kavanaugh noted in his dissent, the majority did not address “whether, and if so, how the Government should go about returning the billions of dollars that it has collected from importers.”

- The majority expressly refused to speculate about how other statutes might be used to impose tariffs similar to the ones that President Trump attempted to impose under IEEPA. But Justice Kavanaugh suggested in his dissent that “numerous other statutes,” including the Trade Expansion Act of 1962, the Trade Act of 1974, and the Tariff Act of 1930, “authorize the President to impose tariffs and might justify most (if not all) of the tariffs at issue in this case.”
- Taking that lead, President Trump has already announced today that he will impose a 10% tariff on goods from all trading partners (which is limited to 150 days absent congressional authorization) under Section 122 of the Trade Act of 1974 and will begin taking steps to impose additional tariffs under Section 301 of that statute. No president has ever invoked Section 122, which Congress passed in 1974 in response to limited and temporary tariffs that President Nixon had imposed to address a “balance of payments” crisis in 1971. We discussed these alternative trade statutes in our October [client alert](#).
- The Court divided on the application of the major-questions doctrine to the President’s actions and did not address the related argument that the Constitution did not allow Congress to delegate an unbridled power to impose tariffs. While Justices Gorsuch and Barrett joined the portion of the Chief Justice’s lead opinion holding that the President “must ‘point to a clear congressional authorization’ to justify his extraordinary assertion of the power to impose tariffs,” Justices Kagan, joined by Justices Sotomayor and Jackson, reached the same interpretation without applying the major-questions doctrine, which they have criticized in past cases. Justice Kavanaugh, joined by Justices Thomas and Alito, suggested that the doctrine does not apply at all in the foreign-affairs context. Because the Justices fractured on the major-questions doctrine and did not resolve the nondelegation doctrine, the lack of consensus leaves unsettled how attempts to impose tariffs under other statutes may fare.
- The Court today did not directly address whether IEEPA authorizes other kinds of actions, such as economic sanctions, prohibitions on outbound investment, and the recently finalized Department of Justice Data Security Program. Nor did the Court’s decision disturb other existing tariffs imposed by the Trump Administration during the past year that did not rely upon IEEPA, including tariffs imposed under Section 232 of the Trade Expansion Act of 1962 and Section 301 of the Trade Act of 1974. Courts have rejected prior attempts to limit the scope of Section 232 and Section 301.

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The Court's opinion is available [here](#).

Gibson Dunn's lawyers are available to assist in addressing any questions you may have regarding developments at the Supreme Court. Please feel free to contact the following practice group leaders:

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